

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

DANNY TABB,

Plaintiff,

v.

NAPHCARE, et al.,

Defendants.

CASE NO. 3:21-cv-05541-LK-TLF

ORDER ADOPTING REPORT AND
RECOMMENDATION

This matter comes before the Court on United States Magistrate Judge Theresa L. Fricke's Report and Recommendation ("R&R") recommending that the Court deny Plaintiff Danny Tabb's motion for leave to file an amended complaint. Dkt. No. 164. Having reviewed the R&R, the remaining record, and the applicable law, the Court adopts the R&R and denies Mr. Tabb's motion to amend his complaint. Dkt. No. 157.

Mr. Tabb moved to amend his complaint to "add[] the status of confinement, specifically being a pretrial detainee during the time of [the] incident." *Id.* at 1. He also stated that he intends to file an additional motion to amend at some point "as there are named John Doe and Jane Doe defendants that will need to be identified." *Id.* Defendants oppose the motion. Dkt. No. 158 at 4

1 (Pierce County Defendants arguing that the amendment would be futile because Mr. Tabb is
2 already identified in the record as a pretrial detainee); Dkt. No. 159 at 4 (NaphCare Defendants
3 arguing that the motion should be denied as futile because Mr. Tabb failed to file a proposed
4 amended complaint or state a claim even with the proposed amendment).

5 Judge Fricke recommended denying Mr. Tabb's motion without prejudice because he did
6 not comply with Local Civil Rule 15's requirement that he file his proposed amended complaint
7 and indicate how it differed from the current version of his complaint. Dkt. No. 164 at 1–2; *see*
8 *also* LCR 15. No party filed objections.

9 The Court agrees with Judge Fricke that Mr. Tabb has failed to comply with Local Civil
10 Rule 15, and his motion is denied without prejudice on that basis. Mr. Tabb is reminded that he is
11 required to comply with all applicable procedural rules, including but not limited to Local Civil
12 Rule 15. *See Muñoz v. United States*, 28 F.4th 973, 978 (9th Cir. 2022) (pro se litigants must adhere
13 to the same procedural requirements as other litigants).

14 The Court ADOPTS Judge Fricke's R&R, Dkt. No. 164, and DENIES Mr. Tabb's motion
15 to amend, Dkt. No. 157.

16 The Clerk is directed to send uncertified copies of this Order to all counsel of record and
17 to Mr. Tabb at his last known address.

18 Dated this 29th day of April, 2024.

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20 Lauren King
21 United States District Judge
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